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October 10, 2017

VIA ECF

The Honorable James Orenstein
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *State of New York, et al. v. Donald Trump, et al.*, 17-cv-5228 (NGG) (JO)
Batalla Vidal, et al., v. Baran, et al., 16-cv-4756 (NGG) (JO)

Dear Judge Orenstein:

Plaintiff States in the above-captioned matter respectfully submit this letter in response to Defendants' objection to the deposition of Gene Hamilton, Counselor to Acting Secretary Duke. (ECF No. 57). Plaintiff States agree with and join in the *Batalla Vidal* Plaintiffs' October 10, 2017 letter in response to Defendants' objection. 16-cv-4756 (ECF No. 79). We respectfully request the Court to apply these arguments, as appropriate, to any other depositions noticed by the State Plaintiffs in this matter.

In addition, Plaintiff States note that the administrative record Defendants' produced on October 6, 2017, (ECF No. 56) is incomplete under 5 U.S.C. Sec. 706. As indicated in our October 3, 2017 letter (ECF No. 49), a complete administrative record comprises all materials that an agency "directly or indirectly considered" in rendering its decision. *See, e.g., Comprehensive Cmty. Dev. Corp. v. Sebelius*, 890 F. Supp. 2d 305, 308 (S.D.N.Y. 2012) (stating administrative record includes materials "that the agency decision-makers directly or indirectly considered"). To date, Defendants have failed to produce a complete administrative record. The States will be prepared to address these deficiencies with the Court at tomorrow's discovery conference.

Respectfully submitted,

/s/Lourdes M. Rosado
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